IOWA DEPARTMENT OF NATURAL RESOURCES AMENDMENT TO ADMINISTRATIVE CONSENT ORDER

IN THE MATTER OF:

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MUSCATINE USED PARTS, INC.;

Muscatine County, Iowa

AMENDMENT TO ADMINISTRATIVE CONSENT ORDER

NO. 2011-SW-15-A1 NO. 2011-WW-07-A1 NO. 2011-AQ-13-A1

TO: Justin Winter
Muscatine Used Auto Parts, Inc.
2407 Industrial Connector

Muscatine, IA 52761

I. SUMMARY

This Amendment to Administrative Consent Order Nos. 2011-SW-15, 2011-WW-07, and 2011-AQ-13 (Amendment) is entered into between the Iowa Department of Natural Resources (DNR) and Muscatine Used Parts, Inc. for the purpose of clarifying that discarded appliances may be collected by Muscatine Used Parts, Inc. on behalf of a permitted appliance demanufacturer. The parties have agreed to the provisions below.

II. JURISDICTION

This Amendment is issued pursuant to the provisions of Iowa Code sections 455B.134(9) and 455B.138(1) which authorize the Director to issue any order necessary to secure compliance with or prevent a violation of Iowa Code chapter 455B, Division II (air quality), and the rules promulgated or permits issued pursuant to that part; Iowa Code section 455B.307(2) which authorizes the Director to issue any order necessary to secure compliance with or prevent a violation of Iowa Code chapter 455B, Division IV, Part 1 (solid waste), and the rules adopted pursuant to that part; Iowa Code section 455B.175(1) which authorizes the Director to issue any order necessary to secure compliance with or prevent a violation of Iowa Code chapter 455B, Division III, Part 1 (water quality), and the rules adopted pursuant to that part; and Iowa Code section 455B.109 and 567 Iowa Administrative Code (IAC) 10, which authorize the Director to assess administrative penalties.

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III. STATEMENT OF FACTS

- 1. Muscatine Used Parts, Inc. owns and operates a scrap metal salvage facility in Muscatine, Iowa. Lyle Winter is the President and principal owner of Muscatine Used Parts, Inc. The facility is covered by DNR General Permit No.1 (ID #0824-14789). Muscatine Used Parts, Inc. also does business as Muscatine Metal
- 2. 15. Paragraphs 2 through 15 of Section III. Statement of Facts of Administrative Consent Order Nos. 2011-SW-15, 2011-WW-07, and 2011-AQ-13 are hereby incorporated by reference into this Amendment as if set forth in full herein.
- 16. On April 15, 2013, Muscatine Used Parts, Inc. entered into a contract with Weikert Iron & Metal Recycling, a permitted appliance demanufacturer, for the acceptance and processing of discarded appliances received by Muscatine Used Parts, Inc. The contract explicitly addresses and requires compliance with applicable regulations.

IV. CONCLUSIONS OF LAW

1. – 12. Paragraphs 1 through 12 of Administrative Consent Order Nos. 2011-SW-15, 2011-WW-07, and 2011-AQ-13 are hereby incorporated into this Amendment by reference as if set forth herein in full.

V. ORDER

THEREFORE, the DNR orders and Muscatine Used Parts, Inc. agrees to the following amended and revised compliance requirements which shall supersede and replace the requirements of Administrative Consent Order Nos. 2011-SW-15, 2011-WW-07, and 2011-AQ-13:

- 1. Muscatine Used Parts, Inc. shall create and maintain a system for tracking the removal and proper disposal or recycling of all waste oil, antifreeze, and refrigerants from each and every automobile accepted at the facility. The tracking system shall be maintained until at least May 5, 2016 (five years from the date of the administrative consent order);
- 2. Muscatine Used Parts, Inc. shall conduct all fluid removal from automobiles on an impervious surface; and
- 3. Muscatine Used Parts, Inc. shall only accept or possess discarded appliances if Muscatine Used Parts, Inc. has a valid contract with a permitted appliance demanufacturer for the acceptance of all discarded appliances received by Muscatine Used Parts, Inc. Such appliances shall be stored in compliance with IAC Chapter 567-118.

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VI. WAIVER OF APPEAL RIGHTS

This Amendment is entered into knowingly by and with the consent of Muscatine Used Parts, Inc. By signature to this Amendment, all rights to appeal this Amendment are waived.

VII. NONCOMPLIANCE

Failure to comply with this Amendment may result in the imposition of further administrative penalties or referral to the attorney general to obtain injunctive relief and civil penalties pursuant to Iowa Code sections 455B.146, 455B.175, and 455B.307. Compliance with sections V.1 through V.3 of this Amendment constitutes full satisfaction of all requirements pertaining to the specific violations described in Section "IV. Conclusions of Law" of this Amendment.

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CHUCK GIPP, DIRECTOR
Iowa Department of Natural Resources

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Dated this 10 day of 2013.

MUSCATINE USED PARTS, INC.

Dated this $\frac{27}{4}$ day of $\frac{27}{4}$, 2013

Field Office 6; Kurt Levetzow; VI.C,

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